



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

4. Taxation (§ 217*)—Exemption—Property Devoted to "Public Use."—The test whether a use is a "public use," within Const. 1902, § 183 (Code 1904, p. cclxvii), exempting from taxation certain property devoted to a public use, is whether a public trust is imposed upon the property, whether the public has a legal right to the use which cannot be gainsaid or denied or withdrawn by the owner.

[Ed. Note.—For other cases, see Taxation, Cent. Dig. §§ 355, 356; Dec. Dig. § 217.* 10 Va.-W. Va. Enc. Dig. 222.]

For other definitions, see Words and Phrases, vol. 6, pp. 5825-5837; vol. 8, p. 7774.]

Error to Hustings Court of Richmond.

Action by the Commonwealth against City of Richmond. Judgment for defendant, and the Commonwealth brings error. Affirmed.

The Attorney General, for the Commonwealth.

H. R. Pollard, of Richmond, for defendant in error.

WESTERN UNION TELEGRAPH CO. *v.* WALKER BROS.

March 12, 1914.

[81 S. E. 74.]

1. Telegraphs and Telephones (§ 78*)—Nondelivery of Message—Penalty.—Code 1904, § 1294h, cl. 6, prescribing a penalty for wrongful failure to deliver a telegram, does not require the forwarding of messages by telephone; and hence the penalty therein prescribed could not be imposed for breach of a custom of a local telegraph agent to transmit messages through that medium for the accommodation of an addressee.

[Ed. Note.—For other cases, see Telegraphs and Telephones, Cent. Dig. §§ 79-81; Dec. Dig. § 78.* 13 Va.-W. Va. Enc. Dig. 186; 14 Va.-W. Va. Enc. Dig. 1019.]

2. Telegraphs and Telephones (§ 78*)—Nondelivery of Message—Penalty.—Under Code 1904, § 1294h, cl. 6, prescribing a penalty for wrongful failure to deliver a telegram to an addressee residing within the city limits, or at such point as the regulations of the company may require delivery, the penalty could not be imposed for breach of a custom of a local agent of the company to deliver messages to addressees residing outside the delivery limits.

[Ed. Note.—For other cases, see Telegraphs and Telephones, Cent. Dig. §§ 79-81; Dec. Dig. § 78.* 13 Va.-W. Va. Enc. Dig. 186; 14 Va.-W. Va. Enc. Dig. 1019.]

3. Telegraphs and Telephones (§ 78*)—Nondelivery of Message—Penalty—Construction of Statute.—Code 1904, § 1294h, cl. 6, pre-

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

scribing a penalty for wrongful failure to deliver a telegram, being highly penal, cannot be extended by implication to cases not strictly within its terms.

[Ed. Note.—For other cases, see *Telegraphs and Telephones*, Cent. Dig. §§ 79-81; Dec. Dig. § 78.* 13 Va.-W. Va. Enc. Dig. 186; 14 Va.-W. Va. Enc. Dig. 1019.]

Error to Circuit Court, Northampton County.

Action by Walker Bros. against the Western Union Telegraph Company, for a statutory penalty. Judgment for plaintiffs, and defendant brings error. Reversed.

Hughes, Little & Seawell, of Norfolk, for plaintiff in error.
John E. Nottingham, Jr., of Franktown, for defendants in error.

DICKINSON *v.* BOWLES et al.

March 12, 1914.

[81 S. E. 75.]

1. Taxation (§ 773*)—Tax Deed.—The recitals in a tax deed are prima facie correct, and are to be accepted as true, in the absence of evidence to the contrary.

[Ed. Note.—For other cases, see *Taxation*, Cent. Dig. § 1541, Dec. Dig. § 773.* 13 Va.-W. Va. Enc. Dig. 173; 14 Va.-W. Va. Enc. Dig. 1017; 15 Va.-W. Va. Enc. Dig. 995.]

2. Taxation (§ 805*)—Tax Deed—Suit to Annul—Limitations.—A suit to annul a tax deed was barred by Code 1904, § 661, providing that no suit shall be brought to set aside a tax deed, except for fraud, unless within two years, where it was not brought within two years after admission of the deed to record, and there was no allegation or proof of fraud.

[Ed. Note.—For other cases, see *Taxation*, Cent. Dig. §§ 1593-1597; Dec. Dig. § 805.* 9 Va.-W. Va. Enc. Dig. 378; 15 Va.-W. Va. Enc. Dig. 618.]

Appeal from Circuit Court, Chesterfield County.

Bill by one Dickinson, trustee, against J. R. Bowles and others, to annul a deed as constituting a cloud on title. Decree for defendants, and the trustee appeals. Affirmed.

A. B. Dickinson, of Richmond, for appellant.
John B. Gayle, of Richmond, for appellees.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.